

Service Date: March 8, 1999

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

* * * * *

IN THE MATTER OF)	UTILITY DIVISION
the Pass Through of Fees Levied)	
on Regulated Companies for)	DOCKET NO. D99.3.51
Funding the Department of)	ORDER NO. 6155
Public Service Regulation)	

FINAL ORDER

1. Section 69-1-402, MCA, provides for funding the Department of Public Service regulation (PSC) by a fee on all regulated companies (as defined in § 69-1-401(2), MCA). By August 31 of each year the Department of Revenue (DOR) is required to notify regulated companies of the percentage rate to be used to calculate the fee to be paid beginning on October 1. §§ 69-1-403 and 69-1-224(1), MCA. DOR may also change the percentage rate at other times of the year if necessary to recover an amount sufficient to fund the PSC at the appropriation level approved by the legislature. §§ 69-1-403 and 69-1-224(2), MCA. Within 30 days of a DOR notice of a change in the PSC tax rate the PSC is required to authorize regulated companies to recover the tax in rates and charges. § 69-1-403(4), MCA.

2. On February 24, 1998 DOR notified regulated companies of a .03% increase in the PSC tax rate, effective April 1, 1998. (The notice indicated the tax was to be raised from .22% to .25%.) The PSC, however, neglected to authorize the recovery of the increase in the rates and charges of regulated companies. In Order No. 6109, Docket No. D98.10.247, the PSC authorized the recovery of the current .25% tax rate, effective October 1, 1998, pursuant to an August 27, 1998 notice of the DOR. Therefore, it is the period April 1, 1998 to October 1, 1998 for which there is no authorization from the PSC for regulated companies to recover the full .25% rate.

3. In order to permit full recovery of the PSC fee for the period in question (April 1 through October 1, 1998), this Order permits all regulated companies affected by this Order to reflect retroactively a .25% tax rate in their revenue requirement for the period April 1, 1998 to

October 1, 1998.¹ All rate regulated companies that pay the PSC fee may file tariffs reflecting the .25% tax rate for that period. Companies that choose to recover revenues that correspond to a .03% PSC tax rate increase over the affected period shall amortize that recovery over a period no longer than three months from the service date of this Order.

Conclusions of Law

1. Pursuant to §§ 69-3-102, 69-13-201, 69-14-111, 69-8-101 through 69-6-503, 69-3-801 through 69-3-862, and 69-3-1401 through 69-3-1409, MCA, the Montana Public Service Commission has jurisdiction over regulated companies as defined at § 69-1-401, MCA.

2. The Public Service Commission is required by § 69-1-403(4), MCA, to allow immediate recovery of the regulated utility fee by each affected company in its rates and charges on an annual basis.

3. This Order does not apply to companies not rate regulated by the PSC.

4. The increased revenue requirement approved herein is a reasonable means of complying with §§ 69-1-402, et seq., MCA.

Order

As necessary, rate regulated companies as defined in § 69-1-401, MCA, are authorized to file tariffs reflecting increased rates and charges effective April 1, 1998 to October 1, 1998, consistent with the findings in this Order. This authorization is permissive, not mandatory.

Tariffs must be filed within thirty (30) days of the service date of this Order.

DONE AND DATED this 2nd day of March, 1999, by a vote of 5-0.

¹ "[R]egulated companies affected by this Order" means those companies that are rate regulated by the PSC. Other companies regulated "in any manner" (§ 69-1-401(2), MCA) by the PSC are subject to the PSC tax but do not need special authorization to recover the tax in their prices.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

DAVE FISHER, Chairman

NANCY MCCAFFREE, Vice Chair

BOB ANDERSON, Commissioner

GARY FELAND, Commissioner

BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.